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10/579,610	05/17/2006	Haraldur Thorkelsson	NC67277US-PCT	3542
36671 7590 12/23/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER				
BHATIA, AJAY M				
ART UNIT		PAPER NUMBER		
2445				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

### Office Action Summary

**Application No.**

10/579,610

**Applicant(s)**

THORKESSON ET AL

**Examiner**

AJAY BHATIA

**Art Unit**

2445

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 11/24/2010 have been fully considered but they are not persuasive.

As discussed in the interview 11/18/2010 applicant's proposed changes to the claims broadens the claims scope and does not overcome the prior art. Applicant argues that the plurality of transaction are not taking place between the gateway and the server, examiner is not persuaded in Col. 3 lines 46-60, the prior art discusses an expert proxy. Therefore applicant citation of a "general purpose" computer is an inaccurate characterization of the prior art. Therefore the rejection is maintained.

Additionally it appears that interviews do not move prosecution forward since applicant's representative did not listen to anything the examiner suggested, therefore examiner does not believe any more interview would be productive.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 20-27 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munarriz et al. (United States Patent Application Publication 20020156871) in view of Kadyk et al. (United States Patent 6895425).

For claim 1, Munarriz teaches, a system, comprising:

a server; (Munarriz, paragraph 52, email server)

a gateway, wherein; (Munarriz, paragraph 62, gateway)

a wireless network interconnects a device and said gateway, the device comprising a communication client; (Munarriz, paragraph 62, gateway, figure 8)

wherein a broadband network interconnects said gateway and said server;  
(Munarriz, paragraph 62, figure 8)

wherein when said client transmits a single self-contained request to said gateway via said wireless network to retrieve a set of e-mail related information from said server, said gateway retrieves at least said e-mail related information from, (Munarriz, paragraph 54, paragraph 54, HTTP POST.request, email headers list), compiles said retrieved information into a single self contained response and transmits said single response via said wireless network to said communication client. (Munarriz, paragraph 54, email headers, compiled into XML file)

Munarriz fails to explicitly disclose, said server via said broadband network using a plurality of transactions

Kadyk teaches, said server via said broadband network using a plurality of transactions tabing place between the gateway and the server, (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyk's method of sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 2, Munarriz-Kadyk teaches, the system as in claim 1, wherein said self-contained request and said single response form a stateless request-response pair. (Kadyk, Col. 3 line 60 to Col. 4 line 5, routine) and (Munarriz, paragraph 54, email headers, compiled into XML file) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Munarriz-Kadyk teaches, the system as in claim 1, wherein said server is an Internet message access protocol (IMAP) server and said gateway further comprises an IMAP client application for communicating with said Internet message access protocol (IMAP) server. (Munarriz, paragraph 56, IMAP)

For claim 4, Munarriz-Kadyk teaches, the system as in claim 1, wherein said server is a post office protocol version 3 (POP3) server and said gateway further comprises an POP3 client application for communicating with said Post office protocol version 3 (POP3) server. (Munarriz, paragraph 56, POP3)

For claim 5, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said server is a simple mail transfer protocol (SMTP) compatible server and said gateway further comprises an SMTP client application for communicating with said SMTP compatible server. (Munarriz, paragraph 44, smtp)

For claim 6, Munarriz-Kadyk teaches, the system as in claim 1, wherein said gateway further comprises an application for monitoring e-mail traffic. (Munarriz, paragraph 59, subscriber database)

For claim 7, Munarriz-Kadyk teaches, the system as in claim 1, further comprising a mobile operator network, wherein said gateway is an extension of said mobile operator network. (Munarriz, paragraph 62, gateway)

For claim 8, Munarriz-Kadyk teaches, the system as in claim 1, wherein said single self-contained request and said single self contained response are transmitted using hypertext transfer protocol (HTTP). (Munarriz, paragraph 23, 25, HTTP)

For claim 9, Munarriz-Kadyk teaches, the system as in claim 1, wherein said single self-contained request and said single self contained response are implemented using an extensible markup language XML structure. (Munarriz, paragraph 43, XML)

For claim 10, Munarriz teaches, An apparatus comprising:

At least on processor; and (Munarriz, paragraph 62, gateway, figure 8)

At least one memory including computer program code for one or more programs, th at least one memory and the computer program code configured to, with the at least on processor, cause the apparatus to perform at leas the following, (Munarriz, paragraph 62, gateway, figure 8)

receive from a client application of a device, via a wireless network, a single self-contained request at a first interface, wherein said first interface is interconnected with said wireless network , (Munarriz, paragraph 54, paragraph 54, HTTP POST.request, email headers) retrieve at least said email related information from an email server via a second interface and (Munarriz, paragraph 54, email headers, compiled into XML file)

Munarriz fails to clearly disclose, said second interface and the broadband network using a plurality of transactions

Kadyk teaches, said second interface and the broadband network using a plurality of transactions taking place between the apparatus and the server, wherein said second interface is interconnected with said broadband network, determine to compile said

retrieve information into a single self contained response, and determine to transmit said single response via said interface and the mobile network to the communication client (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence, Col. 6 lines 42-56 compiling a response)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyk's method of sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 11, Munarriz-Kadyk teaches, the apparatus as in claim 10, wherein the server is an Internet message access protocol (IMAP) server, and said second interface is an IMAP interface. (Munarriz, paragraph 56, IMAP4)

For claim 12, Munarriz-Kadyk teaches, the apparatus as in claim 10, wherein the server is a Post office protocol version 3 (POP3) server, and said second interface is a POP3 interface. (Munarriz, paragraph 56 POP3)



For claim 13, Munarriz-Kadyk teaches, the apparatus as in claim 10, further comprising an e-mail traffic monitoring application. (Munarriz, paragraph 59, subscriber database)

For claim 14, Munarriz-Kadyk teaches, the apparatus as in claim 10, wherein said single self-contained request and response are transmitted using hypertext transfer protocol (HTTP) and said first interface is an HTTP interface. (Munarriz, paragraph 23, 25, HTTP)

For claim 15, Munarriz teaches, a method comprising:

Receiving, via a wireless network, a single request for an email related information, where the single request is formed in a client application at a device; (Munarriz, paragraph 54, HTTP POST. request)

said gateway retrieving at least the e-mail related information from the server, wherein said gateway compiles said retrieved information into a single response; (Munarriz, paragraph 54, email headers, compiled into XML file)

and in said client application, retrieving the e-mail related information from said response. (Munarriz, paragraph 57, display)

Munarriz fails to clearly disclose, the broadband network using a plurality of transactions taking place with the server

Kadyk teaches, the broadband network using a plurality of transactions taking place with the server, determining to compile said retrieved information in a single response, Determining to transmit a single request to a gateway via the wireless network (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence, Col. 6 lines 42-56 compiling a response)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyk's method of sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 16, Munarriz-Kadyk teaches, the method of claim 15, wherein the e-mail related information is located in a mailbox on the server, wherein said request comprises a mailbox ID and further wherein said retrieving comprises logging onto the server using the mailbox ID and downloading the requested e-mail related information. (Munarriz, paragraph 47, logon)

For claim 17, Munarriz-Kadyk teaches, the method of claim 15, wherein the e-mail related information is located in a mailbox on the server, wherein said gateway periodically determines if new e-mail is available in said mailbox and further wherein if at least one new e-mail message is available in said mailbox, said gateway transmits a new e-mail message notification to said client application via said wireless network. (Munarriz, paragraph 61, new mail notification)

For claim 20, Munarriz-Kadyk teaches, the method of claim 17, wherein said new e-mail message notification transmitting comprises appending said new e-mail message notification to a subsequent single response. (Munarriz, paragraph 61, new mail notification)

For claim 21, Munarriz-Kadyk teaches, the method of claim 17, wherein said device is a short message service (SMS) compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application using SMS. (Munarriz, paragraph 63, SMS)

For claim 22, Munarriz-Kadyk teaches, the method of claim 17, wherein said device is a wireless application protocol (WAP) compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application using WAP. (Munarriz, paragraph 62, WAP)

For claim 23, Munarriz-Kadyk teaches, the method of claim 17, wherein for each said new e-mail message said apparatus retrieves at least a message sender and a message subject and appends said message sender and a message subject to a new e-mail list and wherein said new e-mail message notification comprises said new e-mail list. (Munarriz, paragraph 61, new mail notification, XML document)

For claim 24, Munarriz-Kadyk teaches, the method of claim 17, wherein said gateway determines a quantity of new e-mail messages available in said mailbox and said new e-mail message notification comprises said quantity. (Munarriz, paragraph 61, new mail notification), it would be obvious to one of ordinary skill at the time of the invention to calculate the quantity of new messages.

For claim 25, Munarriz teaches, a method comprising:

(Munarriz, paragraph 52, email server, paragraph 62, gateway, figure 8)

Receiving from a client application in a device, via a wireless network, a single request at a first stateless interface for the e-mail related information, wherein said first stateless interface is interconnected with said wireless network the wireless network; ((Munarriz, paragraph 54, email headers, compiled into XML file, HTTP POST. request)

in said gateway:

receiving said request at said first interface; (Munarriz, paragraph 54, HTTP POST, request, email headers list),

compiling said retrieved information into a single response; (Munarriz, paragraph 54, email headers, compiled into XML file)

and in said client application, retrieving the e-mail related information from said response. (Munarriz, paragraph 57, display) (Munarriz, paragraph 54, email headers, compiled into XML file, paragraph 62, Wireless)

Munarriz fails to clearly disclose, retrieving at least the requested e-mail related information from the server via the broadband network using a plurality of transactions;

retrieving at least the requested e-mail related information from the server via the broadband network using a plurality of transactions taking place with the server, where in said second interface is interconnected with said broadband network, determining to transmit single response to said client application via said first interface and said wireless network; (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence, Col. 6 lines 42-56 compiling a response)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyk's method of sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 26, Munarriz-Kadyk teaches, the method of claim 25, wherein the e-mail related information is located in a mailbox on the server, wherein said request comprises a mailbox identifier (ID) and further wherein said retrieving comprises determining to log onto the server using the mailbox ID and determining to download the requested e-mail related information. (Munarriz, paragraph 47, login)

For claim 27, Munarriz-Kadyk teaches, the method of claim 25, wherein the e-mail related information is located in a mailbox on the server, and wherein the method further comprises: periodically determining if new e-mail is available in said mailbox and if at least one new e-mail message is available in said mailbox, transmitting new e-mail message notification to said client application via said wireless network. (Munarriz, paragraph 61, new mail notification)

For claim 30, Munarriz-Kadyk teaches, the method of claim 27, wherein said new e-mail message notification transmitting comprises appending said new e-mail message notification to a subsequent single response. (Munarriz, paragraph 61, new mail notification, XML document)

For claim 31, Munarriz-Kadyk teaches, the method of claim 27, wherein said device is a short message service (SMS) compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application via SMS. (Munarriz, paragraph 63, SMS)

For claim 32, Munarriz-Kadyk teaches, the method of claim 27, wherein said device is a wireless application protocol (WAP) compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application using WAP. (Munarriz, paragraph 62, WAP)

For claim 33, Munarriz-Kadyk teaches, the method of claim 27, wherein the method further comprises: for each said new e-mail message, retrieving at least a message sender and a message subject and determining to append said message sender and a message subject to a new e-mail list, wherein said new e-mail message notification comprises said new e-mail list. (Munarriz, paragraph 61, new mail notification, XML document)

For claim 34, Munarriz-Kadyk teaches, the method of claim 27, wherein the method further comprises: determining a quantity of new e-mail messages available in said mailbox, wherein said new e-mail message notification comprises said quantity.

(Munarriz, paragraph 61, new mail notification), it would be obvious to one of ordinary skill at the time of the invention to calculate the quantity of new messages.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munarriz-Kadyk in view of Wener et al. (United States Patent Application Publication 20060085429)

For claim 18, Munarriz-Kadyk teach, the method of claim 15, wherein the server is an Internet message access protocol (IMAP) server, said mailbox has a mailbox name (Munarriz, paragraph 56, IMAP4, paragraph 47, login)

Munarriz-Kadyk fail to clearly disclose, a periodic determining technique comprises transmitting a SELECT command including said mailbox name to the server.

Wener teaches, the method of claim 15, wherein the server is an Internet message access protocol (IMAP) server, said mailbox has a mailbox name and a periodic



determining technique comprises transmitting a SELECT command including said mailbox name to the server. (Wener, paragraphs 30, 34-46)

Munarriz-Kadyk and Wener are both in the field of communicating with a Internet message access protocol (IMAP) servers

Munarriz-Kadyk and Wener are compatible, because Wener is the procedure of accessing a folder on a Internet message access protocol (IMAP) server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk, by setting the method of retrieve the content of the mailbox, with that of Wener using the SELECT command to retrieve the content of the mailbox on a periodic basis because it is something that is commonly done in the art. (Wener, paragraph 30, Today, most of the existing...)

For claim 28, Munarriz-Kadyk teaches, the method of claim 25, wherein the server is an Internet message access protocol (IMAP) server, said mailbox has a mailbox name (Munarriz, paragraph 56, IMAP4, paragraph 47, logon)

Munarriz-Kadyk fails to clearly disclose, a periodically determining technique comprises transmitting a SELECT command including said mailbox name to the server.

Wener teaches, the method of claim 25, wherein the server is an Internet message access protocol (IMAP) server, said mailbox has a mailbox name and a periodic determining technique comprises transmitting a SELECT command including said mailbox name to the server. (Wener, paragraphs 30, 34-46)

Munarriz-Kadyk and Wener are both in the field of communicating with a Internet message access protocol (IMAP) servers

Munarriz-Kadyk and Wener are compatible, because Wener is the procedure of accessing a folder on a Internet message access protocol (IMAP) server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk, by setting the method of retrieve the content of the mailbox, with that of Wener using the SELECT command to retrieve the content of the mailbox on a periodic basis because it is something that is commonly done in the art. (Wener, paragraph 30, Today, most of the existing...)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munarriz-Kadyk in view of Gorty et al. (United States Patent Application Publication 20050171996A1)

For claim 19, Munarriz-Kadyk the method of claim 15, wherein the server is a Post office protocol version 3 (POP3) server, said mailbox has a mailbox name (Munarriz, paragraph 56 POP3, paragraph 47, logon)

Munarriz-Kadyk fails to clearly disclose, said periodic determining technique comprises transmitting a UIDL command including said mailbox name to the server.

Gorty teaches, the method of claim 15, wherein the server is a Post office protocol version 3 (POP3) server, said mailbox has a mailbox name and said periodic determining technique comprises transmitting a unique identification listing (UIDL) command including said mailbox name to the server. (Gorty, paragraph 23, periodic polling, uidl)

Munarriz-Kadyk and Gorty are both in the field of communicating with a POP servers

Munarriz-Kadyk and Gorty are compatible, because Gorty is the procedure of accessing a email on a POP server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk with Gorty, by adding the feature of periodically checking the email account, because Gorty provides a more efficient means of accessing a POP email account. (Gorty, paragraph 9, 11)

For claim 29, Munarriz-Kadyk teaches, the method of claim 25, wherein the server is a Post office protocol version 3 (POP3) server, said mailbox has a mailbox name (Munarriz, paragraph 56 POP3, paragraph 47, logon)

Munarriz-Kadyk fails to clearly disclose, said periodically determining technique comprises transmitting a UIDL command including said mailbox name to the server.

Gorty teaches, wherein the server is a Post office protocol version 3 (POP3) server, said mailbox has a mailbox name and a periodically determining technique comprises transmitting a unique identification listing (UIDL) command including said mailbox name to the server. (Gorty, paragraph 23, periodic polling, uidl)

Munarriz-Kadyk and Wener are both in the field of communicating with a POP servers

Munarriz-Kadyk and Gorty are compatible, because Gorty is the procedure of accessing a email on a POP server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk with Gorty, by adding the feature of periodically checking the email account, because Gorty provides a more efficient means of accessing a POP email account. (Gorty, paragraph 9, 11)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

This is a RCE of applicant's earlier Application No. 10/579,610. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests prior to filing a response to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ajay Bhatia/

Primary Examiner, Art Unit 2445